

REMARKS

Claims 1-6, 8-16 and 18-22 are pending in this application, with claims 1, 11, 18, 21 and 22 being amended by this response.

Rejection of Claims 1-6, 8-10 and 20 under 35 U.S.C. 112, second paragraph

Claims 1-6, 8-10 and 20 have been rejected under 35 USC 112, second paragraph as being indefinite. Claim 1 has been formally amended to more clearly recite that the present claimed invention includes an acquisition processor, a display and a menu generating processor. Claim 1 now clearly recites each essential element of the claimed invention. Applicant respectfully submits that no new matter has been added by this amendment. Claim 20 has been amended to correct a typographical error and is now directed to a method that conforms with claim 18 on which it depends. In view of the amendments to claims 1 and 20, it is respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claims 1-6, 8-16 and 18-23 under 35 U.S.C. 103(a)

Claims 1-6, 8-16 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenberg (U.S. Pat. Pub. No. 2005/0125256) in view of Wallace (U.S. Pat. No. 6,305,373). These claims, as amended, are deemed to be patentable for the reasons given below.

The present claimed invention provides a system and method for displaying medical information derived from a plurality of sources. An acquisition processor acquires data associated with a patient from at least one of the plurality of sources. The processor prioritizes the acquired data for display in a desired order. A menu generating processor generates a composite window including a first panel for displaying on a display user specified parameters of the ordered acquired data in a graphical format, a second panel for displaying user specified parameters of the ordered acquired data in tabular format, and a third panel for displaying a user selected one of

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user-entered medical notes, medical laboratory results, and ventilator data. The second panel includes a slider bar for navigating through the user specified parameters in tabular format. The first panel includes a cursor, being controlled by the slider bar. The slider bar controls the cursor and enables concurrent user navigation in both the first and second panels through the user specified parameters in both graphical and tabular format. These features are neither disclosed nor suggested by Wallace and/or Schoenberg.

Schoenberg describes a medical information system. The system receives patient data and information from various sources and displays the data in a variety of formats. Data can be displayed in graphic form in a graphic display region and/or tabular form in a tabular region. However, Schoenberg neither discloses nor suggests “prioritizing the acquired data for display in a desired order” as recited in the present claimed invention. The Office Action cites paragraphs [0037] and [0042] as showing this feature. Contrary to the assertions made in the Office Action, the cited passages merely show selection by a user of subsets of medical information and generation by a user of customized reports. There is no discussion or suggestion in Schoenberg of prioritization of the medical information or display of medical information in a desired order.

Additionally, while Schoenberg does discuss separate graphic and tabular regions of a display screen, neither the graphic region nor the tabular region include data that is prioritized for display in a desired order as in the present claimed invention. Thus, Schoenberg neither discloses nor suggests “a menu generating processor for generating a composite window including a first panel for displaying on said display user specified parameters of said ordered acquired data in a graphical format, a second panel for displaying user specified parameters of said ordered acquired data in tabular format” as recited in the present claimed invention.

While Schoenberg does show user entry of medical notes and acquisition of laboratory results (but not ventilator data), Schoenberg does not show user-selected display of either medical notes or laboratory results in a third region of the screen.

Therefore, Schoenberg neither discloses nor suggests “a third panel for displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data” as recited in the present claimed invention.

The Office Action cites paragraphs [0052] and [0054] as disclosing navigating through a tabular region by use of a slider bar. Contrary to the assertion in the Office Action, paragraph [0052] only shows a drag and drop feature for customizing graphic and tabular regions of a display. Additionally, paragraph [0054] and Figure 2B of Schoenberg cited by the Examiner merely describes that multiple **graphical displays** of patient data may be presented. The user can select the number of graphs they wish to see in a given display from the menu bar. IM 1 displays 1 graph, IM 2 displays 2 graphs, IM 3 displays 3 graphs and IM 4 displays 4 graphs. Nowhere in this paragraph, or elsewhere in Schoenberg is there any disclosure or suggestion of a “second panel” that “includes a slider bar for navigating through the user specified parameters in tabular format; and said first panel includes a cursor, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical and tabular format,” as recited in the present claimed invention.

The Office Action equates the slider bar of the present claimed invention with a graphical time scale shown in Figure 2B and described in paragraph [0054] of Schoenberg. Applicant respectfully submits that the time scale of Schoenberg is NOT equivalent to the slider bar of the present claimed invention. The time scale of Schoenberg is not used for navigating “in both said first and second panels through said user specified parameters in both graphical and tabular format,” as recited in the present claimed invention. Additionally, there is no disclosure or suggestion in Schoenberg that the time scale enables “concurrent user navigation in both said first and second panels through said user specified parameters in both graphical format and tabular format” as recited in the present claimed invention. Schoenberg only recites that the “time scale can be selectively changed by a user for any or all of the images.” This is completely unlike the slider bar of the present claimed invention.

Unlike the present claimed invention, nowhere in Schoenberg is it disclosed or suggested that the time scale of any particular image is related to any other image or that the time scale enables “concurrent user navigation in both said first and second panels through said user specified parameters in both graphical format and tabular format” as recited in the present claimed invention.

While Schoenberg discloses a keyboard with cursor control (see paragraph [0037]), Schoenberg is silent as to the method of controlling the cursor. Also, while Schoenberg discloses scrolling through a display, Schoenberg is silent as to the control of the scrolling. Nowhere does Schoenberg disclose or suggest “said second panel includes a slider bar for navigating through the user specified parameters in tabular format” as recited in the present claimed invention. Furthermore, Schoenberg neither discloses nor suggests, in the cited passages or elsewhere, that “said first panel includes a cursor, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical format and tabular format” as recited in the present claimed invention.

Wallace describes a user-friendly graphic interface for use in setting up and carrying out a wide variety of respiratory therapies. The system allows “great flexibility in the setup of the ventilator and the thresholding and display of alarms...[T]he invention allows the setup of alarms by the user so that graphic, aural and visible alarms of various urgency may be displayed to the user, and the setup of alarms is displayed graphically as well so that the ease of use and alarm setup is enhanced” (column 5, lines 45-52).

The Office Action recognizes that Schoenberg does not teach user-entered ventilator data. Column 3, lines 1-14 of Wallace was cited in the Office Action to show user-entered ventilator data. The relied upon section of Wallace shows the display of ventilator data (ventilator settings and patient data). However, Wallace, similarly to Schoenberg, neither discloses nor suggests display of medical notes, laboratory results or ventilator data in a single panel and thus, neither discloses nor

suggests “a third panel for displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data” as recited in the present claimed invention.

As acknowledged in the Response to Arguments section of the Office Action, Wallace neither discloses nor suggests “a processor for acquiring data associated with a patient from at least one of the plurality of sources, the processor prioritizing the acquired data for display in a desired order,” as recited in the present claimed invention. As discussed above, the feature of “prioritizing the acquired data for display in a desired order” as recited in the present claimed invention is also neither disclosed nor suggested by Schoenberg.

As recognized on page 2-4 of the prior Office Action dated August 8, 2006, “Wallace fails to expressly teach the generating a composite window” and “second panel includes a slider bar for navigating through the user specified parameters in tabular format; and said first panel includes a cursor, said cursor being controlled by said slider bar wherein navigation through said user specified parameters in tabular from by said slider bar causes the concurrent navigation of said cursor through said user specified parameters in graphical format,” as recited in the present claimed invention. As discussed above, these features are also neither disclosed nor suggested by Schoenberg. Rather, Schoenberg in paragraph [0052] describes a “drag and drop” feature whereby the user can select a row from the tabular data, drag that row to the graph and drop that row of data into the graph. This feature can also work in reverse and the user can drag the graph and drop it into the tabular region of the screen, **removing it from the graphic display region**. Once the information is moved, it no longer exists in the previous form. This is wholly unlike the present claimed invention where automatic steps are provided to concurrently navigate through user specified data and parameters in graphical and tabular format thereby providing a more efficient means for analyzing and matching data parameters to diagnose the health and condition of a patient. In the present claimed invention, when the user moves the “slider bar” in the “second panel” to navigate “through the user specified parameters in tabular format,” the “cursor” in the “first panel” navigates concurrently

through the graphical data with the navigation through the tabular data in the second panel. Thus, a temporal relationship between the data shown in the tabular format and the data shown in the graphical format is advantageously maintained. The user friendly display of the present claimed invention helps to improve patient safety and accuracy of diagnosis by facilitating focusing attention of a caregiver on the patient and avoiding distraction involved in manually trying to match corresponding graphical and tabular display data in the panels. The present claimed invention further provides "an efficient way to process and display the large amount of data from the various medical devices" (Specification, page 2, para. 3).

It is also respectfully submitted that there is no reason or motivation to combine these two references as Wallace is concerned with entering ventilator settings to control the ventilator and setting appropriate alarm settings while Schoenberg is directed towards providing subsets of data regarding patient medical information to respective groups of users. These references are concerned with entirely different problems in the medical field. Wallace is concerned with facilitating the set-up of a ventilator and ventilator alarms. Schoenberg is concerned with providing immediate and selective access to various members of a medical team treating a patient, based on the function performed by each member. Additionally, neither of these references is concerned with concurrently navigating through the display of data in graphical and tabular format as in the present invention and thus there is no recognition of the problems addressed by the present claimed invention.

Additionally, Applicant respectfully submits that even if Schoenberg and Wallace were combined, such a combination would produce a system whereby members of a medical team, based on the function they perform, may enter and control settings for the ventilator and alarms. This combination still neither discloses nor suggests "a composite window including a first panel for displaying user specified parameters of said ordered acquired data in a graphical format, a second panel for displaying user specified parameters of said ordered acquired data in tabular format, and a third panel for displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data" as recited in the present claimed

invention. Additionally, the combination of these two references also neither show nor suggest "said second panel includes a slider bar for navigating through the user specified parameters in tabular format; and said first panel includes a cursor, said cursor being controlled by said slider bar to navigate through said user specified parameters in graphical format in synchronism with navigation through said user specified parameters in tabular format" as recited in the present claimed invention. Independent Claims 1, 11 and 18 include features similar to those discussed above. Consequently withdrawal of the Rejection of claims 1, 11 and 18 under 35 U.S.C. 103(a) is respectfully requested.

Claims 2 and 3 are dependent on claim 1 and are considered to be patentable for the reasons given in connection with claim 1.

Applicant further respectfully submits that, contrary to the assertions made in the Office Action, Schoenberg (with Wallace) neither discloses nor suggests the features of claims 4, 5, 14 and 15 of the present claimed invention. Namely, Schoenberg (with Wallace) neither discloses nor suggests "a cursor is displayed indicating a selected time during the selected time frame" and "a time display field displays the time corresponding to the selected cursor time," respectively. Rather, paragraph [0054] of Schoenberg, cited in the Office Action, only recites "The time scale can be selectively changed by a user for any or all of the images." Thus, Schoenberg only recites the time scale of the graphs may be changed. This is wholly unlike the present invention as claimed in claims 4, 5, 14 and 15 which uses an actual time, namely, whereby "a cursor is displayed indicating a selected time during the selected time frame" and "a time display field displays the time corresponding to the selected cursor time."

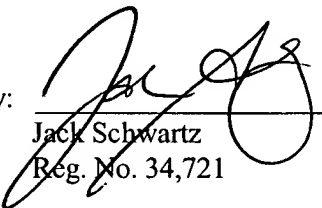
In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure in either Schoenberg et al. or Wallace et al., when taken alone or in combination, that makes the present claimed invention unpatentable. Consequently, withdrawal of the Rejection of Claims 1, 11 and 18 under 35 USC 103(a) is respectfully requested. As claims 2-6, 8-10, 21 and 23 are dependent on claim 1, claims 12-16 and 22 are dependent on claim 11 and claims 19-20 are

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dependent on claim 18, it is respectfully submitted that these claims are also not
unpatentable over Wallace et al. and Schoenberg et al. It is thus further respectfully
submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of
the preceding amendments and remarks, this application stands in condition for
allowance. Accordingly then, reconsideration and allowance are respectfully solicited.
If, however, the Examiner is of the opinion that such action cannot be taken, the
Examiner is invited to contact the applicant's attorney at the phone number below, so
that a mutually convenient date and time for a telephonic interview may be scheduled.

No additional fee is believed due. However, if a fee is due, please charge the
additional fee to Deposit Account 50-2828.

Respectfully submitted,
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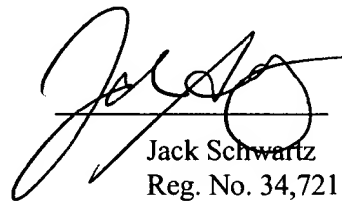
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I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: June 4, 2007



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